



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, January 14, 2015

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Council Member Johnny Walker, Ward 4*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

### PROCLAMATIONS:

**20150013      Proclamation, Congressman Phil Gingrey**

Mayor Tumlin presents a proclamation to Dr. Phil Gingrey, US Representative for Georgia's 11th Congressional District from 2003 to 2015.

**20150010      Proclamation, Dr. Robert Gisness, MD**

Proclamation presented to Dr. Robert Gisness, MD by Fire Chief Jackie Gibbs for his 30 plus years of service as Medical Director for the Marietta Fire Department EMT's.

### ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

### SCHEDULED APPEARANCES:

**20150005** Brian D. Shuford, Regional Director  
Coalition against Bigger Trucks

### **UNSCHEDULED APPEARANCES:**

### **CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

### **MINUTES:**

**\* 20141347 Regular Meeting - December 10, 2014**

Review and approval of the December 10, 2014 regular meeting minutes.

### **MAYOR'S APPOINTMENTS: (for informational purposes only)**

**\* 20141369 Mayor Pro tem**

Appointment of Johnny Walker as Mayor Pro tem for a term of one year expiring on January 13, 2016.

**\* 20141370 Presiding Officer**

Appointment of Michelle Cooper Kelly as Presiding Officer for a term of one year expiring on January 13, 2016.

**\* 20141371 Economic/Community Development Committee**

Appointment of G. A. (Andy) Morris as Chairman, Johnny Walker as Vice Chair and Grif Chalfant to the Economic/Community Development Committee for a term of one year expiring on January 13, 2016.

**\* 20141372 Finance/Investments Committee**

Appointment of Stuart Fleming as Chairman, Grif Chalfant as Vice Chair and Michelle Cooper Kelly to the Finance/Investments Committee for a term of one year expiring on January 13, 2016.

**\* 20141373 Judicial/Legislative Committee**

Appointment of Philip M. Goldstein as Chairman, G. A. (Andy) Morris as Vice Chair and Stuart Fleming to the Judicial/Legislative Committee for a term of one year expiring on January 13, 2016.

\*     **20141374     Parks, Recreation & Tourism Committee**

Appointment of Michelle Cooper Kelly as Chairman, Stuart Fleming as Vice Chair and Anthony Coleman to the Parks, Recreation and Tourism Committee for a term of one year expiring on January 13, 2016.

\*     **20141375     Personnel/Insurance Committee**

Appointment of Johnny Walker as Chairman, Anthony Coleman as Vice Chair and Philip M. Goldstein to the Personnel/Insurance Committee for a term of one year expiring on January 13, 2016.

\*     **20141376     Public Safety Committee**

Appointment of Anthony Coleman as Chairman, Michelle Cooper Kelly as Vice Chair and Johnny Walker to the Public Safety Committee for a term of one year expiring on January 13, 2016.

\*     **20141377     Public Works Committee**

Appointment of Griffin Lee Chalfant, Jr., as Chairman, Philip M. Goldstein as Vice Chair and G. A. (Andy) Morris to the Public Works Committee for a term of one year expiring on January 13, 2016.

\*     **20141378     BLW Council Representative**

Appointment of G. A. (Andy) Morris as the council representative on the Board of Lights and Water (BLW) for a term of one year expiring on January 13, 2016.

\*     **20141379     Marietta Board of Education Council Liaison**

Appointment of Johnny Walker as the council liaison to the Marietta Board of Education for a one year term expiring on January 13, 2016.

\*     **20141380     Marietta Housing Authority Council Liaison**

Appointment of Anthony Coleman as the council liaison to the Marietta Housing Authority for a term of one year expiring on January 13, 2016.

\*      **20141382      Council Liaison Appointments**

Consideration of council liaison appointments as designated:  
Marietta Chamber/SPSU-KSU Merger - Griffin L. Chalfant, Jr.  
Wellstar/Medical Community - G. A. (Andy) Morris  
Lockheed/Military - Stuart Fleming  
Marietta City Schools - Johnny Walker  
Schools Governance Teams (SGT) for Marietta High School - Michelle Cooper Kelly  
Legislative - Philip M. Goldstein  
Lockheed/Military/Joint Land Use Study - Stuart Fleming  
Cobb/Douglas Board of Public Health - Mayor Steve Tumlin

\*      **20150018      Marietta Welcome Center & Visitors Bureau Appointment**

Appointment of Philip M. Goldstein to the Marietta Welcome Center & Visitors Bureau for one year to fill the unexpired term of Andy Morris, expiring January 6, 2016.

## **CITY COUNCIL APPOINTMENTS**

\*      **20141350      Planning Commission Appointment - Ward 7**

Reappointment of Stephen Diffley to the Planning Commission for a 3-year term, expiring January 14, 2018.

\*      **20150015      Marietta Historic Board of Review - Ward 1**

Appointment of Dorothy Woodruff to the Marietta Historic Board of Review (Ward 1), for a two year term expiring January 14, 2017.

\*      **20141349      Cobb Municipal Association 2015 Delegates**

Appointment of Grif Chalfant and Andy Morris as voting delegates for the Cobb Municipal Association (CMA) business meetings.

## **ORDINANCES:**

- \*      **20141204      Z2014-23 Marietta Housing Authority 53, 75, 76, & 83 Beavers St; 57 Gunter St, 98, 110, & 114 Howard St; 829, 891, & 895 Washington Ave**

Z2014-23 [REZONING] MARIETTA HOUSING AUTHORITY/BROCK BUILT HOMES LLC requests rezoning for property located in Land Lot 12310, District 16, Parcels 0050, 0040, 0020, 0030, 0100, 0660, 0740, 0280, 0060, 0860, and 0310, 2nd Section, Marietta, Cobb County, Georgia and being known as 53, 75, 76, & 83 Beavers St; 57 Gunter St, 98, 110, & 114 Howard St; 829, 891, & 895 Washington Ave from RM-12 (Multi Family Residential - 12 units/acre), R-4 (Single Family Residential - 4 units/acre), OI (Office Institutional), and CRC (Community Retail Commercial) to PRD-SF (Planned Residential Development - Single Family). Ward 5.

*The Planning Commission recommends approval:      Vote: 6-0-0*

*Motion: Mr. Diffley made a motion, seconded by Mr. Vanderslice to recommend approval as presented with the following stipulation.*

*Stipulation:*

- *The rezoning plan submitted with the application shall also serve as the approved detailed plan for the development.*

*PUBLIC HEARING (all parties are sworn in)*

*Motion to table until the February 11, 2015 City Council Meeting at the request of the applicant.*

**20141324      Z2015-03 [REZONING] MAI T. CAO/CBS OUTDOOR, LLC**

Z2015-03 [REZONING] MAI T. CAO/CBS OUTDOOR, LLC requests rezoning for property located in Land Lot 12100, District 16, Parcels 0160 & 0170, 2nd Section, Marietta, Cobb County, Georgia and being known as 130 & 140 Chert Road from OI [Office Institutional] to CRC [Community Retail Commercial]. Ward 7.

*The Planning Commission recommends approval:      Vote: 7-0-0*

*Motion: Mr. Diffley made a motion, seconded by Mr. Vanderslice to recommend approval as submitted.*

*PUBLIC HEARING (all parties are sworn in).*

\*      **20141323      Z2015-02 [SPECIAL LAND USE PERMIT] ZION BAPTIST CHURCH OF MARIETTA, INC.**

Z2015-02 [SPECIAL LAND USE PERMIT] ZION BAPTIST CHURCH OF MARIETTA, INC. requests a Special Land Use Permit for a community garden and private park for property located in Land Lot 11600, District 16, Parcels 0570 & 0590, 2nd Section, Marietta, Cobb County, Georgia and being known as 263 & 271 Lemon Street, currently zoned R-4 [Single Family Residential]. Ward 3.

*The Planning Commission recommends approval      Vote: 7 – 0 – 0*

*Motion: Mr. Rosenbury made a motion, seconded by Mr. Diffley to recommend approval of the Special Land Use Permit as submitted.*

*PUBLIC HEARING (all parties are sworn in)*

\*      **20141322      Z2015-01 [REZONING] AJAX LAND & CATTLE COMPANY**

Z2015-01 [REZONING] AJAX LAND & CATTLE COMPANY request rezoning for property located in Land Lot 06430, District 17, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia and being known as 1721 Spinks Drive from R-20 [Single Family Residential - County] to LI [Light Industrial - City]. Ward 1.

*The Planning Commission recommends approval      Vote: 7-0-0*

*Motion: Mr. Rosenbury made a motion, seconded by Mr. Anderson to recommend approval as submitted.*

*PUBLIC HEARING (all parties are sworn in)*

\*      **20141334      A2015-01 [ANNEXATION] AJAX LAND & CATTLE COMPANY**

A2015-01 AJAX LAND & CATTLE COMPANY requests annexation for property located in Land Lot 06430, District 17, Parcel 0110 (1721 Spinks Drive) and all required right-of-way, of the 2nd Section, Cobb County, Georgia consisting of 0.68 acres. Ward 1.

*The Planning Commission recommends approval      Vote: 7 – 0 – 0*

*Motion: Mr. Hicks made a motion, seconded by Mr. Vanderslice to recommend approval as submitted.*

*PUBLIC HEARING (all parties are sworn in)*

\*      **20141335      CA2015-01 [CODE AMENDMENT]**

CA2015-01 [CODE AMENDMENT] In conjunction with the requested annexation of property in Land Lot 06430, District 17, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia, and being known as 1721 Spinks Drive, the City of Marietta proposes to designate the Future Land Use of said property as IW (Industrial Warehousing). Ward 1.

*The Planning Commission recommends approval      Vote: 7 – 0 – 0*

*Motion: Mr. Vanderslice made a motion, seconded by Mr. Diffley to recommend approval as submitted.*

*PUBLIC HEARING (all parties are sworn in)*

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\*      **20150003      Denial of Claim**

Denial of the claim of Elizabeth Hartley.

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

\*      **20141325      Sub-Recipient Agreement**

Approval of a Resolution authorizing the execution of the FFY' 2015 CDBG Program Sub-recipient Agreement with Cobb County. Execution of the federally required CDBG Sub-recipient Agreement allows receipt of HUD CDBG funds as shall directly be determined by HUD after Congressional appropriation to the program.

**2. Finance/Investment: Stuart Fleming, Chairperson**

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\*      **20141330      Forest Hills Historic District**

Motion to approve the request from the Historic Preservation Commission to pursue a locally designated historic district for the Forest Hills neighborhood area.

In accordance with the Historic Preservation Ordinance, that was revised in March 2010, the Historic Preservation Commission is hereby granted approval from the Mayor and City Council to begin the process to pursue a locally designated historic district in the Forest Hills neighborhood area.

*Council Members Chalfant and Morris abstaining*

\*      **20141331      Revised Detailed Plan for Meeting Park Amenity Area**

Motion to approve the revised detailed plan for the Meeting Park Amenity Area, signed by the owner and dated January 14, 2015.

The amenity area will consist of a swimming pool, clubhouse, dog park, and parking area. This area will be accessible to the residents of the Meeting Park development by way of two (2) crosswalks across Waddell Street.

In accordance with Section 708.20.J.4 of the Marietta City Code, John Wieland Homes is requesting the approval of these revisions to the detailed plan for Meeting Park.

\*      **20141336      Windy Hill Road Annexation**

Motion authorizing advertising for the Windy Hill Road Annexation.

\*      **20141017      Amendments to the zoning ordinance regarding platting procedures**

Motion to authorize advertising proposed changes to the Zoning Ordinance regarding platting procedures, specifically in Section 728.04, Preliminary plat application procedures, and Section 728.07, Final plat application procedures.

*Council member Coleman abstaining*



**20141042      Revised Detailed Plan for Wynhaven - 560 Powder Springs Street**

Motion to approve the revised detailed plan, including the site plan, landscape plans and architectural elevations, as well as a letter of stipulations dated \_\_\_\_\_ from J. Kevin Moore, representing Black Orchid Realty, for the proposed development that will include single family homes and townhouses, as shown on the attached Detailed Plan for Wynhaven, signed by the owner and dated January 14, 2015, in accordance with Section 708.14(J.4) of the Marietta City Code.

The purpose of this revision is to approve the revised detailed plan, including architectural elevations, for single family homes and townhouses as shown on the attached plans - but to specifically exclude the area identified for a condominium building.

Said plans are to be developed by Black Orchid Equity, in partnership with their builder, Kerley Family Homes. Architectural elevations are also included with this revised plan.

Townhouse units identified as TH64 - TH73; TH105-TH106 are only approved subject to the City Council abandoning the Gramling Street right of way and rezoning.

This approval shall include the following variances:

1. Variance to allow driveways to be 18' deep from back of sidewalk. However, driveways with no sidewalk will be at least 20' from back of curb.
2. Variance to eliminate the required 30' buffer against the adjacent R-2 properties.
3. Variance to reduce the required width of an access/utility easement for private streets from 50' to 40'.
4. Variance to reduce the centerline radius from 100' to 50' subject to review by the Fire Department.
5. Variance to allow an alley to serve as primary access for townhome units 50-77 as approved under 20150023.
6. Variance to allow single trunk Crape Myrtles and Little Gem Magnolias as street trees along Powder Springs Street.
7. Variance to exempt the townhome portion of the development from the Commercial Corridor Design Overlay - Tier B regulations.

**20150023 Private alleys within Wynhaven - 560 Powder Springs Street**

Motion to approve the use of an alley within the Wynhaven development, as proposed by Black Orchid Realty, Inc. The proposed alley will serve as primary access for townhome units 50-77, as shown on the attached Detailed Plan for Wynhaven, signed by the owner and dated January 14, 2015.

**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson****5. Personnel/Insurance: Johnny Walker, Chairperson****6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson****\* 20141328 Speed Table Public Hearing for Laurel Springs Lane**

Motion authorizing a Public Hearing for speed tables on Laurel Springs Lane.

**\* 20141329 Revised Flood Plain Management/Flood Damage Prevention Ordinance**

Motion authorizing a public hearing to be conducted at the regularly scheduled February 2015 City Council Meeting regarding revisions to the Floodplain Management/Flood Damage Prevention Ordinance.

**\* 20141338 Charlton Forge Subdivision Entrance Sign**

Motion to approve a Revocable Easement Agreement to allow Charlton Forge HOA to install monument signs on Chestnut Hill Road in the vicinity of 900 Chestnut Hill.

**OTHER BUSINESS:**

**20141099      Z2014-22 Brian Warren 1021 Marble Mill Circle**

Z2014-22 [SPECIAL LAND USE PERMIT] BRIAN WARREN requests a Special Land Use Permit for uses (offices and truck parking) associated with hauling and storage of residential sanitation trucks for property located in Land Lot 10040, District 16, Parcel 0240, 2nd Section, Marietta, Cobb County, Georgia and being known as 1021 Marble Mill Circle, currently zoned HI (Heavy Industrial). Ward 5B.

This item was tabled at the November 12th and December 10th 2014 City Council Meetings.

PUBLIC HEARING

**20140805      V2014-31 Clear Channel Outdoor, Inc. 1200 Roswell Road**

V2014-31 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request for variances for property located in Land Lot 12390, District 16, Parcel 0130, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Roswell Road, currently zoned CRC (Community Retail Commercial). Ward 7A.

1. Variance to reduce the minimum lot size from 20,000 sq. ft. to 4,054 sq. ft.
2. Variance to reduce the rear setback for a billboard support structure from 35' to 5'.
3. Variance to reduce the rear setback for billboard sign faces to 0'.
4. Variance to reduce the side setbacks for billboard sign faces to 0'.
5. Variance to reduce the minimum lot width from 100' to 20'.
6. Variance to allow a billboard to be located within 1,000 feet of another billboard.
7. Variance to allow a billboard to be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign.

This item was tabled at the September 10th, October 8th, November 12th and December 10th City Council Meetings.

**20140953      V2014-43 Clear Channel Outdoor, Inc. 611 Webb Industrial Drive**

V2014-43 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC. request variances for property located in Land Lot 09980, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 611 Webb Industrial Drive, currently zoned HI (Heavy Industrial). Ward 5B.

1. Variance to reduce the side setbacks for a billboard support structure from 20' to 11'
2. Variance to reduce the rear setback for a billboard support structure from 40' to 23'
3. Variance to reduce the rear and side setbacks for billboard sign faces to 0'
4. Variance to locate a billboard within 1,000' of other billboards
5. Variance to locate a billboard on a substandard lot
6. Variance to reduce the minimum lot width from 150' to 21'
7. Variance to locate a billboard closer to a permanent structure than a distance that is equal to  
or greater than the height of the sign

This item was tabled at the October 8th, November 12th and December 10th City Council Meetings.

**20140950      V2014-40 CBS Outdoor, LLC 1200 Gresham Road**

V2014-40 [VARIANCE] CBS OUTDOOR, LLC request variances for property located in Land Lot 11660, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 1200 Gresham Road, currently zoned CRC (Community Retail Commercial). Ward 7.

1. Variance to reduce the rear setback for a billboard support structure from 35' to 22.';
2. Variance to reduce the rear setback for billboard sign faces to 19.';
3. Variance to reduce the side setback for billboard sign faces to 0.';
4. Variance to locate a billboard within 1,000' of other billboards;
5. Variance to locate a billboard on a substandard lot;
6. Variance to reduce the minimum lot width from 100' to 72.';
7. Variance to locate a billboard within 500' of a residential zoning district.

This item was tabled at the October 8th and November 12th City Council Meetings.

**20141319      V2015-01 Waffle House, Inc. 920 Cobb Parkway South**

V2015-01 [VARIANCE] WAFFLE HOUSE, INC. request variances for property located in Land Lot 05720, District 17, Parcel 0110, 2nd Section, Marietta, Cobb County, Georgia and being known as 920 Cobb Parkway South, currently zoned CRC (Community Retail Commercial). Ward 1A

1. Variance to allow the use of ACM (Aluminum Composite Metal) panels for a metal awning and roof. [§ 708.16 (G.3)]
2. Variance to increase maximum impervious surface from 80% to 81%. [§ 708.16 (H)]
3. Variance to reduce required landscape strip from 10 ft. to 5 ft. along Barclay Circle. [§ 712.08 (G.2)]
4. Variance to waive required ten (10) foot landscape strip along frontage (Cobb Pkwy) [§ 712.08 (G.2)]

**20141320      V2015-02 McDonalds Corporation 1195 Powder Springs Street**

V2015-02 [VARIANCE] MCDONALDS CORPORATION requests a variance for property located in Land Lot 0007, District 17, Parcel 0400, 2nd Section, Marietta, Cobb County, Georgia and being known as 1195 Powder Springs Street, currently zoned CRC (Community Retail Commercial). Ward 2B

1. Variance to eliminate the planted border strip along Powder Springs Street. [§712.08 (G.2)]

**20141321      V2015-03 Chuck Clancy Ford of Marietta, LLC 880 Cobb Parkway South**

V2015-03 [VARIANCE] CHUCK CLANCY FORD OF MARIETTA LLC request variances for property located in Land Lot 05730, District 17, Parcel 0060, 2nd Section, Marietta, Cobb County, Georgia and being known as 880 Cobb Parkway South, currently zoned CRC (Community Retail Commercial). Ward 1A

1. Variance to allow a nonconforming billboard sign remain on a property undergoing redevelopment. [§714.06 (C.6)]
2. Variance to allow a general advertising sign outside of the area within 100 feet of the right of way of Interstate 75. [§714.04 (G)]
3. Variance to waive the requirement that a general advertising sign be regulated as a principal use. [§714.04 (G.1)]
4. Variance to allow a billboard to be located within 500 feet of a school. [§714.04 (G.2)]
5. Variance to allow a tri-vision panel on the north facing panel of the billboard. [§714.04 (G.4), §714.06 (A.6), §714.06 (A.7)]
6. Variance to allow a general advertising sign to be located within 1,000 foot radius of another general advertising sign. [§714.04 (G.5)]
7. Variance to reduce the front setback for a general advertising sign face from 30' to 29'. [§714.04 (G.8)]
8. Variance to allow a general advertising sign be located on a lot upon which a building and signage is located. [§714.04 (G.9) and §714.06 (A.11)]
9. Variance to allow a general advertising sign be located closer to a permanent structure than the distance that is equal to the height of the sign. [§714.04 (G.10)]

\*      **20150002      Historical/Art/Tourism Trolley**

Motion to commission a study through the Marietta Visitors Bureau funded by car rental tax and supported by City staff to examine viability of a historical/art/tourism (hereinafter "HAT") Trolley. HAT, an on wheels trolley, to conceivably run from Aviation Museum to Square to Kennesaw Mtn. and ultimately to Southern Museum of History. Purpose is to build on our remarkable attendance of the 150th Commemorative this summer by tying to our outstanding arts and museums and offering fun, destination transportation to facilitate expanded tourism and funded primarily by car rental tax. Encourage commission within MVB to look at previous studies and considering public/private implementation including tying in with Convention Center and other hotels and Braves games. Goal for initial HAT ride, December 2015 or sooner. This item is requested by Mayor Tumlin.

*Motion to Refer to the Economic/Community Development Committee for review and consideration.*

\*      **20141348      BLW Actions of the January 12, 2015**

Review and approval of the January 12, 2015 actions and minutes of the Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**